

5. The constitutional rule that each house shall determine the rules of its own proceedings is authorization for the enactment of joint rules.

6. Under the power to determine the rules of its own procedure, each house of the legislature has the power to determine how it will handle conference committee reports, including a minority report.

7. The fact that a house of the legislature acted in violation of its own rules or in violation of parliamentary law in a matter clearly within its power does not make its action subject to review by the courts.

Sec. 4. Sources of Rules of Procedure

See also Sec. 11, Joint Rules; Ch. 6, Secs. 35-39, Parliamentary Law; and Sec. 43, Indispensable Requirements for Making Valid Group Decisions.

1. Rules of procedure passed by one legislature or statutory provisions governing the legislative process are not binding on a subsequent legislature.

Sec. 3, Par. 5: Charleston National Bank v. Fox (W.Va., 1937).

Sec. 3, Par. 6: Opinion of the Justices (Ala., 1975).

Sec. 3, Par. 7: Connecticut v. Sav. Bank of New London (Conn., 1906).

Sec. 4, Par. 1: Manigault v. Springs (U.S., 1905); U. S. v. Smith (U.S., 1932); Baker v. Carr (U.S., 1962); Consumers Union of U.S., Inc. v. Periodical Correspondents' Ass'n. (D.C. Cir., 1975); Sierra Club v. Froehlke (5th Cir., Texas, 1987); Peterson v. U.S. Dept. of Interior (9th Cir., Calif., 1990); Malone v. Meekins (Alaska, 1982); Abood v. League of Women Voters of Alaska (Alaska, 1987); Watson, et al. v. California Fair Political Practices Comm'n (Calif., 1990); Moffitt v. Willis (Fla., 1984); Coggin v. Davey (Ga., 1975); Des Moines Register v. Dwyer (Iowa, 1996); Opinion of the Justices (Maine, 1951); MSHA v. Depositors Trust Co. (Maine, 1971); Edgerly v. Honeywell (Maine, 1977); Wisconsin ex rel. La Follette v. Stitt (Wis., 1983).

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Rules Governing Procedure

2. Rules of legislative procedure are derived from several sources and take precedence in the order listed below. The principal sources are as follows:

- (a) Constitutional provisions and judicial decisions thereon.
- (b) Adopted rules.
- (c) Custom, usage and precedents.
- (d) Statutory provisions.
- (e) Adopted parliamentary authority.
- (f) Parliamentary law.

See also Sec. 560, Each House of a Legislature Is the Judge of the Election and Qualifications of Its Members, particularly Par. 2.

3. Judicial decisions, to the extent they are interpretations of rules from one of the sources, take the same precedence as the source interpreted. Thus, for example, an interpretation of a constitutional provision takes precedence over a statute. ✓

4. Whenever there is conflict between rules from these sources, the rule from the source listed earlier prevails over the rule from the source listed later. For example, where the constitution requires three readings of bills, this provision controls over any provision of adopted rules, statutes, adopted manual or parliamentary law.

5. The term "parliamentary law" is sometimes used in two different senses. It applies to rules having two different priorities. Certain indispensable basic

Sec. 4, Par. 2: Cushing's Legislative Assemblies, Sec. 614; Des Moines Register v. Dwyer (Iowa, 1996).

Sec. 4, Par. 4: Starr v. Governor (N.H., 2006).